

NEW YORK, SUNDAY, MARCH 29, 1908.—Copyright, 1908, by The Sun Printing and Publishing Association.

BOTH GUILTY, SAYS THE JUDGE

EVEN THOUGH JURIES SET FREE
HAYWOOD AND PETTIBONE.Judge Wood's Speech in Sentencing Orchard
for the Murder of Ex-Gov. Steinberg
of Idaho—Orchard's Story of Crime
Pronounced True—Moral of Courts.

Boise, Idaho, March 24.—The entire Northwest is still buzzing with excited comments upon the extraordinary action of Judge Fremont Wood taken when he sentenced Harry Orchard last Wednesday to the little town of Caldwell to be hanged for the murder of ex-Gov. Frank Steinberg of this State. Judge Wood at the same time that he sentenced Orchard not only recommended that the State Board of Pardons commute the sentence but also took occasion to declare that he believed Orchard's entire testimony given at the trial of William D. Haywood, secretary and treasurer of the Western Federation of Miners, and George Pettibone, a federation sympathizer.

This statement is the more significant since it comes from the very judge who presided over the Haywood and the Pettibone trials and to whose charge the jury most of Boise's people attributed the acquittal of the federation men whom Harry Orchard accused of planning the murder of Steinberg and hiring him to carry their plans into execution. Judge Wood's instructions to the jury bore heavily upon the amount of corroboration required under the law for the testimony of an accomplice in a conspiracy case, and were so phrased that good many persons thought the phraseology and the frequent iteration about corroboration convinced the jury that whatever they might think about the guilt of Haywood they had no right under the law to convict him.

At all events when the verdict of not guilty was rendered early that July morning last summer as Haywood sat pale and frightened, surrounded by weeping lawyers, and whispering urged by Clarence Darrow to prepare for the worst, Boise was stunned. Not one man in a hundred expected acquittal, and those most closely connected with the case were the least likely to expect conviction before the judge's charge was read to the jurors.

As soon as Boise and Idaho got time to think it over a wave of indignation, just or unjust, against Judge Wood swept over the city and the State. Right or wrong he was generally made to bear the burden of responsibility for the escape of the man whom Boise and Idaho almost universally believed guilty of Frank Steinberg's cowardly and brutal murder.

That feeling has by no means passed away. It has left scars that will endure in the professional and social life of the State and city for many years.

Nobody ever questioned Judge Wood's probity, but his judgment has been widely and thoroughly denounced among those who were formerly his strongest friends. It now appears by his statement that he thought Orchard told the truth and all the truth and that he has not the slightest doubt that Haywood and Pettibone were guilty of the hideous crime committed at their door by Orchard, their tool, and that they both should be hanged as high as he has just sentenced Orchard to be hanged.

"I am more than satisfied," said Judge Wood in open court, "that the defendant now at the bar of this court awaiting final sentence has not only acted in good faith in making the disclosures that he did but that he also testified fully and fairly to the whole truth, withholding nothing that was material and declaring nothing that had not actually taken place."

"During the two trials the testimony of the defendant covered a long series of transactions involving personal relations between himself and many others. In the first trial he was subjected to the most critical cross-examination by very able counsel for at least six hours. I do not recall that at any point he contradicted himself in any material manner, but on the other hand disclosed his connection with many crimes that were probably not true to the whole truth, withholding nothing that was material and declaring nothing that had not actually taken place."

"Upon the second trial the same testimony underwent a most thorough and critical examination and in no particular was there any discrepancy in a material matter between the testimony given upon the latter trial as compared with the testimony given by the same witness at the former trial. I am of the opinion that no man living could conceive the stories of crime told by the witness and maintain himself under the merciless fire of the leading cross-examining attorneys of the country unless upon a theory that he was testifying to facts and to circumstances which had an actual existence within his own experience."

"A child can testify truly and maintain itself on cross-examination. A man may be able to frame a brief statement of facts involving a short and single transaction and maintain himself on cross-examination. But I cannot conceive of a case where even the greatest intellect can conceive a story of crime covering years of duration, with constantly shifting scenes and changing characters, and maintain that story with circumstantial detail as to times, places, persons and particular circumstances and under as merciless a cross-examination as was ever given a witness in an American court, and yet not be a witness for the State but a witness for the defense."

Believing as I do that this defendant acted in good faith and that when called as a witness for the State he told all and withheld nothing, I can the more readily fulfill the duty that I consider the law imposes upon me."

Judge Wood went on to say that the views of Haywood's guilt and the guilt of Pettibone he thus expressed were not at variance with the verdict of the jury in those cases, because he had instructed those juries that a verdict of not guilty did not mean that the defendant was innocent but only that his guilt had not under the law been established beyond a reasonable doubt.

The judge gives as one reason why the Pardoning Board should commute Orchard's sentence the fact that a long series of crimes had been committed in Colorado and Idaho, that Orchard admitted his part

icipation in them and that it was probable that at some future time some of the other participants in those crimes would sooner or later yield to the emotion of remorse and confess, in which case Orchard's knowledge of those events would be invaluable to the prosecution. Judge Wood thought there could be no demand that Orchard should be hanged, except from "those persons who stand charged by his voluntary confession with grave crimes or from the apologists or defenders of such persons."

Remarkable as are these statements, they are paralleled by others in which Judge Wood practically arraigns the Western Federation of Miners for its deliberate career of crime and violence in the intermountain country.

"It is my opinion," he says, "after a careful examination of this case in all its details, that this defendant and the crimes which he committed were only the natural product and outcome of the system which he represented and the doctrines taught by its leaders, some of which were boldly proclaimed and maintained, even upon the trial of the defendant Haywood."

"This defendant had evidently become imbued with the idea inculcated by those around him that the organized miners were engaged in an industrial warfare upon one side of which his own organization was alone represented, while on the other hand they were confronted with the powers of organized capital, supported by executive authority, and which could not be defeated, or at least controlled, the courts which were the final arbiters upon all legal questions involved."

"In the promulgation of such doctrines it is not a difficult matter for some people to justify murder, arson and other outrages, and I am satisfied that it was that condition of mind that sustained, bore and served on this defendant and his associates in the commission of the various crimes with which he was connected."

"But the conclusion of this defendant and his associates with reference to this industrial warfare and his assumption that executive administration and judicial officers were controlled by capitalism were not only a mistake but a mistake which has resulted in his own undoing and will yet result to others of his associates in crimes to justice."

"American executives are not corrupt, and they are no more likely to be controlled against the law by the interests of capital than they are by the interests of labor. Neither are American courts corrupt, and there is no justification of the courts necessary for any action taken, because they may be depended upon to declare the law exactly as they find it, regardless of consequences."

"The mistake that this defendant and his associates made was in concluding that administrative officers and the courts were corrupt, because of necessary adverse decisions in administrative and judicial proceedings. It was, however, evidently on account of this feeling that the associates of this defendant felt that they could justify their own minds their reign of terror by the assassinations of judges, governors and ex-governors."

"But I want to take the opportunity on this solemn occasion to say to the associates in crime of this defendant that they cannot by such acts terrorize American executives and prevent them from performing their plain duties, and they cannot prevent American courts from declaring the law exactly as they find it."

"Judges and executives may be placed out of the way by the hands of the assassin, but there will be others immediately to take their places just as ready and just as determined to perform their duties as their predecessors were and backed by a public opinion that will ferret out and discover the authors of every such crime and bring him to punishment."

"No more ringing acclamation and denunciation of the highlanders of the Western Federation of Miners, who have for years been keeping the intermountain country in a turmoil of assassination and outrage, could well be imagined. It proves once for all that the judge who presided over the trial of Haywood and Pettibone so fairly as to win praise even from the Socialist press is convinced that Haywood, Moyer and Pettibone planned the murder of Steinberg, plotted the blowing up of the Independence railway station, were over a score of men were blown to atoms, hired Orchard to kill McCormick and Beck in the Victor mine at Cripple Creek and Lytle Gregory in Denver itself, and only failed of killing Judge Goodard and Gov. Peabody of Colorado because their plans went wrong, with all of which crimes Harry Orchard charged those federation leaders. And Haywood makes speeches in New York churches and the Socialists are talking of running him for President."

HEARKEN, CHILD, TO MR. HOPPI!

HE'S GOT A THEATRE WHERE
HE'LL TEACH YOU SOCIALISM.

"The Dolls" He Calls His Play, and of Course You'll Save Up Your Cents and Learn All About the Man Who Is Rich and for That Reason Is Perfectly Horrid.

Mister Julius Hopp (and before going any further it may as well be said, even at the risk of reducing as far as possible the likelihood of its happening, that if enough persons will send him 10 cents apiece the next number of the *Socialist Theatre* will be published some time) has devised a charming entertainment for children. It is so charming that as soon as the news gets around all the interesting and attractive shops where the three gilt balls glitter in the bright spring sunshine are bound to be crowded to the doors with infants hocking their rattles in order to purchase tickets of admission to the Pioneer Theatre in East Third street.

The grownups had a chance at the new offering on Friday evening, but yesterday morning Mr. Hopp opened up his *Socialist Theatre* for children, and swarms of the little folks who had never even suspected it before had a chance to learn that nobody has a dollar who isn't wicked and everybody who's poor is virtuous.

It's a jolly little tale that Mr. Hopp tells, and appropriately he calls it "The Dolls." It's all about a rich man who manufactures dolls. He lives in a sumptuous apartment full of Grand Rapids furniture, including a horsehair sofa, an open plumbing piano, a Turkish egypt corner and one window. His little girl is a spoiled darling who wants a new doll every day.

When she thinks popper has come home without bringing her a new doll she says who doesn't love popper any more. Nobody who saw popper last evening could see any reason for loving him even if he had brought home a doll that could say "The product of labor belongs to the working-man" or sing the "Marseillaise" in the language of France, where they do everything so much better than they do over here.

But when popper shows that he has only been spoofing and produces the new doll, why he is a darling popper and his little Alice loves him very much indeed. But it's all off with the old doll. "You're no good," says little Alice to the antique puppet. "You're old. You can lie on the floor. The new doll is nice. She can sit on the table." [Business of kicking the old doll several times in the slats.]

There's a poor woman in the play. Her real name is Muriel Hope and Mr. Hopp says she was late with Arnold Daly, but she was quite on time last night. She comes into the rich man's house and asks him for some light and easy work so that she can earn bread for her little Anna, who comes with her and who, like her poor mother, wears a shawl instead of a hat because shawls are cheaper than hats and warmer too. Of course you know that all poor women have heads that are very subject to the cold so they have to wear shawls instead of hats. Rich women's heads do not mind the cold, so they can wear hats.

Well, anyway, the poor woman asks the rich man for an easy job and he goes out to ask his wife about it. Before this the rich little Alice had taken another doll out of its box when popper didn't know anything about it and had hid it behind a chair. Then the rich man comes back the poor mother tells him she hopes her poor little girl with the shawl about her head didn't break the doll. He says, "What doll?" and she tells him the doll behind the chair.

Then of course he gets very angry—oh, very angry indeed. He thinks the poor woman—yes, dear, the one with the shawl around her head—has taken the doll out of

the box. Why should he get angry about a little thing like that? Why, because he's a rich man, to be sure. Don't you see that? Well, never mind, some time when you grow up and know almost as much as Mr. Hopp you'll understand.

But, anyway, he does get very angry, and he sends the poor woman—yes, darlings, all the ones with the little girl that has the shawl about her head and oh, yes, she has a torn stocking, too—well, he sends the poor woman what she has stolen. No, she hasn't stolen anything at all. Of course not. Why does he tell her she has? Why, because he is a rich man. Didn't you hear that part of the story about his being a rich man? Well! Well! Well! You'd just better keep your pink little ears wide open after this.

Of course she tells him she hasn't stolen anything and she says that before she'd steal she'd starve—starve—starve. But he goes right on calling her a thief because he is a rich man. And what do you think? Just as he is driving her right out of his elegant parlor with all the plush chairs and things, who you think comes in? The rich little Alice. Yes, indeed! And what do you think she says? Oh, you'd never guess. She asks her rich popper what he did with the doll she stole out of the box and hid behind the chair. No, he called the poor mother a thief! Oh, no. Didn't you hear about his being a rich popper? Of course you did.

And then maybe you think the poor mother doesn't just light into him and tell him that she's just giving him what for. "That's always the way with you bloated plutocrats," she cries. "You are the oppressors of the common people. It is the increased increment that is the infernal outrage of all the crimes of industrial malediction. You make us work and toil and slave for you, early and late, and our whole lives long and all you pay us in wages and then you dare to call us thieves. It's you that are the thieves and we are the ones that you rob."

Yes, that's all of the play. What difference does it make whether the poor mother and her poor little girl get driven out or whether the poor mother gets a job? You don't care about knowing as to that, do you, dear? You do? Why, that's odd. Don't you see that the object of the play was to make the rich popper look cheap and give the poor mother a chance to slingsaw him good and plenty? Just you toddle along to the Pioneer Theatre to-day and you'll soon see. Yes, you'll have a splendid time, for as soon as the dollies and love the poor mother and the poor little girl with the shawl about her head and just hate that rich popper and his little Alice and you'll learn never to forget that the everybody that is richer than you ought to be just hated and hated and oh, just hated!

You'll learn, too, that the way to learn to be prompt is to get a job playing in a *Socialist play*. You've already been told how it helped Miss Muriel Hope. But it worked just as well with Helen McMahon, who played the part of the poor little girl, and she was late with the "Lungs" company once just as little Corinne Malvern, who played the part of that hateful little rich girl, used to be late with the "Madam Butterfly" company.

BLACK FOREST CUSTOMS.

Youngest Son Inherits Property and Cares for the Old Folks.

From the Antiquary.

The peasant farms of the Black Forest are passed down from father to son in a direct line, often dating back 400 years.

There is no division as in France; all falls to the heir, only here it is not the eldest but the youngest son who inherits. It is rare that a Bur (peasant) dies as reigning head. When he gets on in years he abdicates, in order to end his days in the Leibgedehaus (dower house), which stands beside each Hof (homestead).

That he does so in favor of his youngest son is very sensible; were it the elder he would try to induce his parents to retire just at an age when power is sweetest and best exercised. For this reason the practical farmers of bygone generations decided to hand over the succession to the youngest, for when the Bur is a full grown man father Jacob is old and glad to rest.

This law of inheritance goes by the name of *Leibgedehaus*, for as soon as the son is free to desire to resign in favor of his elder brother the latter must buy the property from him. In such a case the younger may be termed a kind of *Leib*.

FREDERICK LOEHR & CO.

BROOKLYN ADVERTISEMENTS.

FREDERICK LOEHR & CO.

Frederick Loehr & Co.

In every detail the Leading Retail Establishment of Brooklyn.

The Subway to Borough Hall Brings the Loehr Store Within 20 Minutes of Forty-second Street.

Brass and Iron Bedsteads and Bedroom Furniture : : A Record Sale.

A BIG, HELPFUL, MONEY-**SAVING** SALE of bedroom furnishings—especially of brass and enameled iron Bedsteads—has been a feature here at this season for years past. Thousands of people in Brooklyn and beyond know of its recurring opportunities—know that it is without an equal in sound economies. For we keep strictly clear of the vast stocks of indifferent Bedsteads made up purposely for "sales," and in these great merchandise movements we offer nothing but our standard grades of Furniture which have been proved to be the best.

The Sale that starts to-morrow is more important than any we have ever held. There is such large variety and quantity of Bedsteads as must satisfy every possible need. There is Bedding of high grade and in some cases at record low prices. And in addition, we have a great showing of other bedroom Furniture—largely new samples from Grand Rapids—which is offered at about a fourth saving from regular prices.

\$28 Brass Bedsteads at \$16.35.

Handsome Bedsteads as were ever turned out to sell at the full price. They are heavy, substantial and splendidly made. Two-inch pillars, large filing rods, a colonial design in polished brass finish. All four sizes from 3 feet to 4½ feet.

40 Brass Bedsteads : : Half Price.

\$26 to \$160 Values at \$13 to \$80.

These are patterns from our own stock, which, though fine and perfect, are not to be regarded. Most of them in the single and three-quarter sizes. Bright and satin finishes. Cut to half price as one of the special features of the Sale.

Mattresses.

\$12 Mattresses at \$6.75. Cotton felt Mattresses covered with fancy ticking; full size.

\$13 Mattresses at \$6.95. Silk floss Mattresses covered with fancy ticking; full size.

\$10.50 Box Spring at \$6.75. Special upholstered box Spring; covered with A. C. A. ticking; full size.

\$14.95, regularly \$24.75. Special black hair Mattresses; full size, weight 45 pounds.

\$17.95, regularly \$24.75. Special No. 1 black hair Mattresses; full size, weight 45 pounds.

\$25.50, regularly \$33.75. Special black drawings hair Mattresses; full size, weight 45 pounds.

The above prices are all for Mattresses in full size, smaller sizes at proportionately reduced prices.

\$1.75, regularly \$2.15. Steel Woven Wire Springs.

\$3.25, regularly \$4. \$4.25, regularly \$5. \$6.25, regularly \$7.50.

White Enameled Iron Bedsteads.

\$22.50, regularly \$30. \$24.50, regularly \$32.

\$26.50, regularly \$34. \$28.50, regularly \$36.

\$32.50, regularly \$40. \$34.50, regularly \$42.

\$36.50, regularly \$44. \$38.50, regularly \$46.

\$42.50, regularly \$50. \$44.50, regularly \$52.

\$46.50, regularly \$54. \$48.50, regularly \$56.

\$52.50, regularly \$60. \$54.50, regularly \$62.

\$56.50, regularly \$64. \$58.50, regularly \$66.

\$62.50, regularly \$70. \$64.50, regularly \$72.

\$66.50, regularly \$74. \$68.50, regularly \$76.

\$72.50, regularly \$80. \$74.50, regularly \$82.

\$76.50, regularly \$84. \$78.50, regularly \$86.

\$82.50, regularly \$90. \$84.50, regularly \$92.

\$86.50, regularly \$94. \$88.50, regularly \$96.

\$92.50, regularly \$100. \$94.50, regularly \$102.

\$96.50, regularly \$104. \$98.50, regularly \$106.

\$102.50, regularly \$110. \$104.50, regularly \$112.

\$106.50, regularly \$114. \$108.50, regularly \$116.

\$112.50, regularly \$120. \$114.50, regularly \$122.

\$116.50, regularly \$124. \$118.50, regularly \$126.

\$122.50, regularly \$130. \$124.50, regularly \$132.

\$126.50, regularly \$134. \$128.50, regularly \$136.

\$132.50, regularly \$140. \$134.50, regularly \$142.

\$136.50, regularly \$144. \$138.50, regularly \$146.

\$142.50, regularly \$150. \$144.50, regularly \$152.

\$146.50, regularly \$154. \$148.50, regularly \$156.

\$152.50, regularly \$160. \$154.50, regularly \$162.

\$156.50, regularly \$164. \$158.50, regularly \$166.

\$162.50, regularly \$170. \$164.50, regularly \$172.

\$166.50, regularly \$174. \$168.50, regularly \$176.

\$172.50, regularly \$180. \$174.50, regularly \$182.

\$176.50, regularly \$184. \$178.50, regularly \$186.

\$182.50, regularly \$190. \$184.50, regularly \$192.

\$186.50, regularly \$194. \$188.50, regularly \$196.

\$192.50, regularly \$200. \$194.50, regularly \$202.

\$196.50, regularly \$204. \$198.50, regularly \$206.

\$202.50, regularly \$210. \$204.50, regularly \$212.

\$206.50, regularly \$214. \$208.50, regularly \$216.

\$212.50, regularly \$220. \$214.50, regularly \$222.

\$216.50, regularly \$224. \$218.50, regularly \$226.

\$222.50, regularly \$230. \$224.50, regularly \$232.

\$226.50, regularly \$234. \$228.50, regularly \$236.

\$232.50, regularly \$240. \$234.50, regularly \$242.

\$236.50, regularly \$244. \$238.50, regularly \$246.

\$242.50, regularly \$250. \$244.50, regularly \$252.

\$246.50, regularly \$254. \$248.50, regularly \$256.

\$252.50, regularly \$260. \$254.50, regularly \$262.

\$256.50, regularly \$264. \$258.50, regularly \$266.

\$262.50, regularly \$270. \$264.50, regularly \$272.

\$266.50, regularly \$274. \$268.50, regularly \$276.

\$272.50, regularly \$280. \$274.50, regularly \$282.

\$276.50, regularly \$284. \$278.50, regularly \$286.

\$282.50, regularly \$290. \$284.50, regularly \$292.

\$286.50, regularly \$294. \$288.50, regularly \$296.

\$292.50, regularly \$300. \$294.50, regularly \$302.

\$296.50, regularly \$304. \$298.50, regularly \$306.

\$302.50, regularly \$310. \$304.50, regularly \$312.

\$306.50, regularly \$314. \$308.50, regularly \$316.

\$312.50, regularly \$320. \$314.50, regularly \$322.

\$316.50, regularly \$324. \$318.50, regularly \$326.

\$322.50, regularly \$330. \$324.50, regularly \$332.

\$326.50, regularly \$334. \$328.50, regularly \$336.

\$332.50, regularly \$340. \$334.50, regularly \$342.

\$336.50, regularly \$344. \$338.50, regularly \$346.

\$342.50, regularly \$350. \$344.50, regularly \$352.

\$346.50, regularly \$354. \$348.50, regularly \$356.

\$352.50, regularly \$360. \$354.50, regularly \$362.

\$356.50, regularly \$364. \$358.50, regularly \$366.

\$362.50, regularly \$370. \$364.50, regularly \$372.

\$366.50, regularly \$374. \$368.50, regularly \$376.

237 Brass Bedsteads : : Third Off.

These are handsome patterns and in considerable variety. One of the notable features of the sale.

\$27.50, regularly \$40. Two-inch pillars and continuous bent top tubing, fancy spindles, cross rod and ornamental laterals; sizes 3 feet and 4 feet 6 inches.

\$29.75, regularly \$45. Two-inch pillars and continuous bent top tubing, fancy spindles and ornamental laterals; sizes 3 feet and 4 feet 6 inches.

\$32, regularly \$55. Two-inch pillars and continuous bent top tubing, fancy spindles and ornamental laterals; size 4 feet 6 inches.

\$33, regularly \$55. Two-inch pillars and continuous bent top tubing, fancy spindles and ornamental laterals; size 4 feet 6 inches.

\$36, regularly \$55. Two-inch pillars and continuous bent top tubing, fancy spindles and ornamental laterals; size 4 feet 6 inches.

\$38, regularly \$55. Two-inch pillars, cast brass ornamentation. Colonial design; sizes 3 feet, 4 feet and 4 feet 6 inches.

\$42, regularly \$60. Two-inch pillars and continuous bent top tubing, fancy spindles and ornamental laterals; size 4 feet 6 inches.